

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case Nos. 12-00189-02-CR-W-DGK
)	13-00087-01-CR-W-DGK
MICHAEL EARL RYSER,)	
)	
Defendant.)	
_____)	

**THE UNITED STATES' RESPONSE
TO DEFENDANT'S SENTENCING MEMORANDUM**

The United States submits the following response to defendant Michael Ryser's Sentencing Memorandum (Dkt. # 34):

I. Background

Mr. Ryser was the Chief Executive Officer, Chief Administrator, Vice-President, and Chairman of the Board of Health Centers of America (HCA), a medical clinic in Kansas City, Missouri. Mr. Ryser's wife and co-defendant Carol Ann Ryser was the owner and medical director of the clinic.

In March 2013, defendants entered into plea agreements pursuant to Fed. R. Crim. P. 11(c)(1)(C). In Case No. 12-00189-02-CR-W-DGK (the 2012 case), Mr. Ryser pled guilty to: (a) Count One charging him with violating 18 U.S.C. § 1347, *i.e.*, health care fraud; and (b) Count Two charging him with violating 26 U.S.C. § 7206(1), *i.e.*, filing a false tax return. In Case No. 13-00087-01-CR-W-DGK (the 2013 case), Mr. Ryser pled guilty to Count 1, charging him with violating 31 U.S.C. § 5324(a), *i.e.*, aggravated structuring.

In the plea agreement in the 2012 case, the parties jointly asked the Court to impose a sentence that included imprisonment within a range of 24-30 months. In the plea agreement in the 2013 case, the parties jointly asked the Court to impose a sentence that included imprisonment not to exceed, and concurrent with, the sentence imposed in the 2012 case.

The presentence investigation report (PSR) for both the 2012 case and 2013 case calculated Mr. Ryser's advisory guideline range to be 30-37 months.

Sentencing is scheduled for October 4, 2013.

II. Defendant's Sentencing Memorandum and the United States' Response

Mr. Ryser requests that the Court impose of sentence at the lower end of the range provided by the 2012 case plea agreement, *i.e.*, 24 months. The United States submits that a sentence at the higher end of the range -- 30 months -- is more appropriate.

a. Mr. Ryser has not filed his tax returns for tax years 2009, 2010, or 2011.

Although long overdue, Mr. Ryser still has not filed his federal tax returns for tax years 2009, 2010, or 2011, nor has he sought extensions or otherwise made any effort to show that he takes his tax obligations seriously. Mr. Ryser's lack of effort reflects a disregard for federal law.

Mr. Ryser pled guilty in March 2013. The clinic where he was employed was forced to close at that time, and he has apparently not worked since then. Despite having had plenty of time in the last six months to file his delinquent tax returns, and to show a good faith commitment to fulfilling his tax duties, he has made no effort to do so.

b. Mr. Ryser's health and age.

Mr. Ryser's Sentencing Memorandum emphasizes that he suffers from "several chronic medical conditions which require medication and other forms of treatment." Defendant's Sentencing Memorandum at p. 8. Mr. Ryser requests that the Court consider his medical

conditions as a downward departure factor. *See id.*

It must be noted, however, that Mr. Ryser has had these medical conditions for quite some time and they apparently never impeded his ability to work full-time as the Chief Executive Officer, Chief Administrator, Vice-President, and Chairman of HCA until it was forced to close in March 2013. Mr. Ryser also states that his proposed sentence of 24 months will be “daunting enough” at his age of 68. *See id.* at p. 9. Again, however, Mr. Ryser’s age was not an impediment to his being in charge of the clinic for many years until the spring of this year.

III. Conclusion

The United States requests that the Court impose a sentence of imprisonment of 30 months in the custody of the Bureau of Prisons, in each case to run concurrently to one another.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on September 26, 2013, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ Lucinda S. Woolery
Lucinda S. Woolery
Assistant United States Attorney